

Application No. 10/506,323
Amendment dated July 8, 2009
Reply to Office Action of April 8, 2009

Docket No.: 0446-0170PUS1

REMARKS

Claims 1-8 and 10-15 are pending in the application. Claims 3, 5, 14 and 15 are withdrawn from consideration. Claims 1, 2, 4, 6-8 and 10-13 are rejected.

The rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

Amendments

Claims 1 and 13 are being amended to replace the expression "(b) is a nickel-zirconia cermet" with "(b) is a nickel-zirconia cermet in which the zirconia is yttrium-stabilized zirconia."

Basis for this amendment can be found at, for example, page 9, lines 7-10 of the specification as originally filed. Accordingly, no new matter has been introduced by the amendments.

The Examiner's Rejections

Claims 1, 2, 4, 6-8 and 10-12 have been rejected under 35 USC 102(b) as being anticipated by JP 5-067472. Reconsideration and withdrawal of the rejection are believed to be in order following amendment of the claims in the present application. The Examiner has noted that the '472 citation discloses an outer layer comprising a nickel reforming catalyst and a "basic aggregate" material, the latter possibly being MgO.ZrO₂. However, there is no disclosure in the '472 citation that the outer layer may be a nickel-zirconia cermet in which the zirconia is yttrium-stabilized zirconia. In the circumstances, it is believed that the claims as amended are novel when compared with the disclosure of the citation.

Claim 13 has been rejected under 35 USC 103(a) as being unpatentable over JP 5-067472 in view of JP 9-073913. This rejection is traversed.

As noted herein, JP 5-067472 does not teach the use of a nickel-zirconia cermet in which the zirconia is yttrium-stabilized zirconia. JP 9-073913 does not address this deficiency in the reference. In fact, it is believed that the latter has been cited as it discloses an ionically connected layer overlying a hydrocarbon reforming layer. However, there is no disclosure or suggestion that a nickel-zirconia cermet in which the zirconia is yttrium-stabilized zirconia should be used as a hydrogen reformer. To the contrary, JP 9-073913 appears to teach the use of nickel oxide and MgAl₄.

Thus, it is respectfully submitted that the present invention as claimed is suitably distinguished over the cited prior art. Accordingly, withdrawal of the rejection is respectfully requested.

In view of the above amendments and remarks, reconsideration of the rejections and favorable action on the claims are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond C. Stewart Reg. No. 21,066 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 8, 2009

Respectfully submitted,

By Raymond C. Stewart
Raymond C. Stewart
Registration No.: 21,066
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant